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EDITORS' FOREWORD

"If law is to be understood, language must be also."¹ Ours is a society of laws, and laws are merely the products of the words that comprise them. Or are they? Such is the conundrum that confronts members of our society, including judges, lawyers, and scholars of all types, as they attempt to discern the "meaning" of the words and thus of the law.

Lawyers, judges, and legal scholars have been on a quest for *the* proper mode by which to discern *the* meaning of the law presumably as long as laws have been recorded. Consequently, modes and theories to guide the interpretation of legal language abound. Francis Lieber, a 19th-century scholar much discussed during the Conference,² defined *interpretation* as "the art of finding out the true sense of any form of words, that is the sense which their author intended to convey."³ On its face, then, interpretation of legal language should be a relatively facile task for native speakers of the language in which the law is written. However, the reality is quite the opposite. Words are inexact and imperfect symbols for the communication of ideas, and such inherent imprecision complicates the expression of the speaker's intent.⁴

Legal language has proved particularly difficult to decipher. Anyone paging through a copy of the United States Code, the Code of Federal Regulations, or the United States Reporter quickly realizes that regardless of its origin—legislative, executive, or judicial—the language in which the law is written is not for the faint of heart. Moreover, it does not seem to be particularly geared toward the proverbial "average American citizen," whoever that might be. The reality appears to be that the language of law is written by lawyers for lawyers in a lawyer's register. The sad fact is that

1. HENRY M. HART, JR. & ALBERT M. SACKS, *THE LEGAL PROCESS: BASIC PROBLEMS IN THE MAKING AND APPLICATION OF LAW* 114 (William N. Eskridge, Jr. & Philip P. Frickey eds., 1994).

2. See, e.g., *Law and Linguistics Conference*, 73 WASH. U. L.Q. 785, 940-53 (1995).

3. FRANCIS LIEBER, *PHILOSOPHY OF LEGAL AND POLITICAL HERMENEUTICS* 11 (1880).

4. See Harry W. Jones, *The Plain Meaning Rule and Extrinsic Aids in the Interpretation of Federal Statutes*, 25 WASH. U. L.Q. 2, 3 (1939).

lawyers have as much trouble sailing "amid the sea of indeterminate legal language"⁵ as everyone else. Linguistics, to borrow a phrase, at least offers "a few more stars by which to steer."⁶ This Symposium issue offers but a glimpse of the astronomical charts that may ultimately derive from the intersection of law and linguistics. Linguistics, after all, is a social science dedicated to systematically analyzing the word symbols of an utterance and describing the logically attributable meanings of that utterance.

The Northwestern University/Washington University Law and Linguistics Conference represented the first significant interdisciplinary dialogue among scholars of law and linguistics and addressed itself to a central question: What is meaning in a legal text? The scholars who gathered in Evanston six months ago are among the foremost legal and linguistic scholars of our age, and their discussions clearly reveal the complexities and impediments that inhere in the quest for one true and systematic mode of interpreting language, legal language in particular. The Conference is instructive, however, insofar as it paints a clearer picture of how linguistics, the science of language, can aid judges, lawyers, and scholars in disambiguating and otherwise making determinate problematic legal texts.

When the Editorial Board decided to publish the proceedings of the Conference, we were uncertain as to what would ultimately result. We determined that while the conferees certainly represented a cross-section of philosophy as to the interpretation of language, the philosophical continuum in this area was not exhausted. Consequently, we invited commentary from approximately seventy judges, politicians, and legal and linguistic scholars. Expecting perhaps ten brief responses, we were overwhelmed by eighteen responses averaging over twenty pages in length. The result is this issue of the *Washington University Law Quarterly*.

It would be inappropriate to fail to acknowledge those without whom this issue would not have been possible. Our gratitude is extended to Dean Dorsey D. Ellis, Jr. of the Washington University School of Law and Dean Robert W. Bennett of the Northwestern University School of Law for their generous support of the Conference. We also thank Dr. Judith Levi and Professor Clark Cunningham for their assistance in organizing and editing this issue as well as for their instrumental roles in convening the Conference. Finally, and most importantly, we thank Teri Doyle, our desktop publisher, for patience and understanding beyond human comprehension and for many hours of labor above and beyond the call of duty.

5. Jim Chen, *Law as a Species of Language Acquisition*, 73 WASH. U. L.Q. 1263, 1264 (1995).

6. Clark D. Cunningham et al., *Plain Meaning and Hard Cases*, 103 YALE L.J. 1561, 1617 (1994).